

# Exhibit 9

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 -----x  
4 SONOS, INC.,  
5 Plaintiff,  
6 vs. Case No. 3:21-CV-07559-WHA  
7 GOOGLE LLC,  
8 Defendant.  
9 -----x

10 -AND-  
11 -----  
12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 -----x  
15 GOOGLE LLC,  
16 Plaintiff,  
17 vs. Case No. 3:20-CV-06754-WHA  
18 SONOS, INC.,  
19 Defendant.  
20 -----x

21 \*\*CONFIDENTIAL BUSINESS INFORMATION\*\*  
22 \*\*SUBJECT TO PROTECTIVE ORDER\*\*  
23 REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF  
24 TIM KOWALSKI  
25 Monday, May 8, 2023  
  
Reported By: Lynne Ledanois, CSR 6811  
Job No. 5907206

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 -----x  
4 SONOS, INC.,  
5 Plaintiff,  
6 vs. Case No. 3:21-CV-07559-WHA  
7 GOOGLE LLC,  
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10 -AND-  
11 -----  
12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 -----x  
15 GOOGLE LLC,  
16 Plaintiff,  
17 vs. Case No. 3:20-CV-06754-WHA  
18 SONOS, INC.,  
19 Defendant.  
20 -----x

21 Videotaped deposition of TIM KOWALSKI,  
22 taken in, Lincolnshire, Illinois commencing at  
23 10:03 a.m. CDT on Monday, May 8, 2023, before Lynne  
24 Ledanois, Certified Shorthand Reporter No. 6811.  
25

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ALSO PRESENT:

David West, Videographer

Jim Sherwood, Google In-House Counsel



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Q Do you use any Sonos products?

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A Yes.

10:15AM

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Q In what time frame did you acquire these

10:16AM

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Sonos products for personal use?

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A Sometime in 2015, 2016 time frame when we

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were building our house.

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10:16AM

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Q Approximately how many Sonos products do  
you own?

10:16AM

A Six or eight maybe, probably eight.



1 | sorry, what was the other term you used? 11:37AM

2 Q My question was what your understanding is  
3 of the distinction between an operating company  
4 versus a nonpracticing entity?

5           A       Okay.  So, yes.  A general high-level           11:37AM  
6       understanding of a nonpracticing entity is a company  
7       that is not involved in selling products and therefore  
8       isn't using its patents.

9 Q So is it your understanding that an  
10 operating company is in the business of selling 11:37AM  
11 products while a nonpracticing entity is not in the  
12 business of selling products?

13	A	Generally, yes.
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14 Q Do you understand Sonos, Inc. to be a  
15 nonpracticing entity? 11:38AM

16           A     No. My understanding is Sonos sells  
17     products. In fact, we talked about the ones that I  
18     purchased earlier.

19	Q Do you understand Sonos to be a competitor	
20	to Google?	11:38AM

21	A	In what sense?
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22	<u>Q</u>	In any sense.
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24 THE WITNESS: At one point in time we were  
25 both selling speakers. So we may have been 11:38AM

1 competitive with respect to speakers at one point in 11:38AM  
2 time.

3 BY MR. KOLKER:

4 Q And at what point in time was that?

5 A I think around -- we're not really selling 11:38AM  
6 speakers anymore to my knowledge. I know in 2017  
7 roughly, I may be off by a year or two, we sold what I  
8 refer to as a premium speaker.

9 Q Is it your understanding that Sonos and  
10 Google were competitors in the speaker market at one 11:39AM  
11 point in time?

12 [REDACTED]

13 THE WITNESS: Yes, at least one point I  
14 would say competitors in the high-end speaker market  
15 at one point in time, premium speaker market at one 11:39AM  
16 point in time.

17 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 11:40AM

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Q Has Google ever tracked Sonos's patents?

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12:02PM

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THE WITNESS: I don't think I have any

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non-privileged information that's responsive.

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12:02PM

Page 65

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Has Google ever done any searches for 12:02PM

Sonos patents?

[REDACTED]

[REDACTED]

THE WITNESS: I don't think I have any

non-privileged information that's responsive to that 12:02PM

question.

[REDACTED]

Q Has Google ever attempted to locate family

members of Sonos patents?

[REDACTED]

[REDACTED]

THE WITNESS: Again, I don't have any

non-privileged information to answer in response to

that question.

BY MR. KOLKER: 12:03PM

Q Did Google make an effort to learn when

Sonos filed new patents?

[REDACTED]

[REDACTED]

THE WITNESS: I don't have non-privileged 12:03PM

1 information responsive to that question.

12:03PM

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[REDACTED]

[REDACTED]

[REDACTED]

Q Would you take a minute to review the  
first page of this document.

1:24PM

[REDACTED]

Q Did reviewing that first page refresh your  
recollection as to whether Google filed an action  
for declaratory judgment of noninfringement of the  
'966 patent?

1:25PM

[REDACTED]

THE WITNESS: I see that this document  
shows that Google filed a declaratory judgment  
action of noninfringement of the '966 patent.

1:25PM

BY MR. KOLKER:

Q If you can go ahead and go down to  
Page 12, which is the second-to-last page of the  
document.

A Yes, I think I'm there.

1:25PM

Q For the record, I'm looking at the  
signature page which has a date and a signature by  
Google attorneys.

Is that what you're looking at?

A Yes.

1:26PM

Page 87





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[REDACTED]

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[REDACTED]

[REDACTED]

■

[REDACTED]

[REDACTED]

Q Do you have any understanding as to

whether this declaratory judgment action alleges

that Google did not infringe the '966 patent?

1:28PM

[REDACTED] [REDACTED]

THE WITNESS: I believe this document is

Google is seeking a declaratory judgment of

noninfringement of the '966 patent.

[REDACTED]

[REDACTED]

■

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

1:29PM

1 I declare under penalty of perjury  
2 under the laws that the foregoing is  
3 true and correct.

4  
5 Executed on \_\_\_\_\_, 20\_\_\_\_,  
6 at \_\_\_\_\_, \_\_\_\_\_.

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11 \_\_\_\_\_  
12 Witness Signature  
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1 I, LYNNE M. LEDANOIS, a Certified  
2 Shorthand Reporter of the State of California, do  
3 hereby certify:


4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that a record of the proceedings was made by me  
7 using machine shorthand which was thereafter  
8 transcribed under my direction; that the foregoing  
9 transcript is a true record of the testimony given.

10 Further, that if the foregoing pertains to  
11 the original transcript of a deposition in a Federal  
12 Case, before completion of the proceedings, review  
13 of the transcript [X] was [] wasn't requested.

14 I further certify I am neither financially  
15 interested in the action nor a relative or employee  
16 of any attorney or party to this action.

17 IN WITNESS WHEREOF, I have this date  
18 subscribed my name.

19  
20 Dated: 5/8/23  
21  
22  
23

24 

LYNNE MARIE LEDANOIS

25 CSR No. 6811